

Sir John Eustace's Case,

CONCERNING

The BILL of Chancellor Eustace, and a BILL presented in Parliament.

SIR *Maurice Eustace*, late Lord Chancellor, having Inheritance in several Rectories and Tythes of the Lordship of *Boltinglas*, and other Parishes and Counties: Out of Charity and manifest Esteem he had for the Protestants and Protestant Religion and Clergy of the Church of *England* in this Kingdom; was pleased to bestow the several Rectories and Tythes upon the several Parishes where the said Rectories did lye, and out of which the said Tythes did arise, for Encouraging Ministers therein to have the Care of Souls, and Schools to Teach Children Learning, to near 900 l. per Ann. And to that End, with his own Hands drew Three or Four several Bills to be made into Acts of Parliament, for Disappropriating the several Impropriated Rectories and Tythes, and Settling the same in such manner, as he in his Wisdom and Charity thought fit.

That he presented those Bills to the Government and Council for Concurrence; and had the said Draughts amended, by the late Lord Chief-Justice *Keatinge* and Sir *John Temple*; And Engrossed and Transmitted into *England*, in Order to have the same Enacted: And then in *June* 65, made his last Will and Testament; Therein bequeathing the said Rectories and Tythes to be Presentative, and to be Settled according to the Intent of one or more Bills, already Transmitted into *England* to that purpose; and before the same could be Effected and Made a Law, Sir *Maurice* Died.

That the Will was so Contested, That it could not be proved till 1670; since which, no Parliament hath Sate such time as the same could be Effected.

Pursuant to the said Will, Mr. *Neale* finding that by the said Will such a Large and Bountifull Donation was intended by the Testator to *Boltinglas*, being Worth 350 l. per Ann. as by the Bill appears; pretended to search for the said Bills, and pretends could find nothing of them. And being desirous to have the said Gift Settled on himself, gets a Bill Drawn to Enact all the Rectories and Tythes the Testator had in the Kingdom of *Ireland* in General, to the several Incumbents in the several Parishes where they lye; not Regarding the Manner, Rules, and Intentions of the Donor. To gloss over which Covetous Design, Mr. *Neale* pretending Publick Good; Suggests, no Draughts, Copies, or Foot-steps of the said Bills, to which the said Will Refers, could be found; so that the Will could not be Executed to that part; which the Council in *Ireland* believing, Transmitted Mr. *Neale*'s Bill.

But Sir *Maurice Eustace*, Executor of the said Will, being then in *England*; the Lords of the Council sent him Notice of it; who found the said Transmitted Bills in the Crown-Office in *England*; which differing so far from Mr. *Neale*'s Bill; Mr. *Neale*'s Bill was laid aside, and Ordered to be made Conformable to the Donors Bills.

That long after, When Mr. *Neale* thought that Order forgot, and Sir *Maurice* in *England*; and having seen the Original Transmitted Bills, and found them not for his purpose, pretends his former Bill was lost in bringing over to *Ireland*; draws another Bill, pretending Amendment, by adding one Clause, for a School-Master; tho' in plain Contradicting Terms to the Appointments in the Original Transmitted Bills; which he hath owned to have seen, and now are there: Yet still continues the same Suggestion, that no Foot-steps of the Bills in the Will Referred to, are to be found.

And Sir *Maurice* being in *Ireland*, and no Body to oppose it in *England*; the same passed the Council in *England*, and in the House of Lords in *Ireland*, to twice Reading; when Sir *Maurice*, the Executor, had Notice, and time to be heard upon his Petition; which Petition prayed an Act might pass according to his Uncle's Will (not Mr. *Neale*'s Will) And shewed a Draught of the Bill Drawn by the Testator, and Amended by Mr. *Keatinge* and Sir *John Temple*; which differs in almost all Points with the Bill now in Parliament.

The three or four several Bills now extant in *England*, do provide School-Masters and other Charitable Uses for the several Diocesses and Counties in which the Rectories lye.

It may be of dangerous Consequence to violate the Will of the Dead, as *Neale*'s Bill doth.

But there can be no inconvenience to stay *Neale*'s Bill till those in *England* be brought over; for *Neale*'s Bill, may if the House think fit to Pass it, come time enough with the Money Bill and other Publick Bills to have the Royal Assent, and he lose none of his Tythes in the mean time.

The Differences between the Transmitted Bills and Mr. Neale's Bill.

The Transmitted BILL.

BE it Enacted, That the Rectories and Tythes be from and after the First of November 1665, disappropriated, and made presentative in such manner & form as other Churches presentative are by the Law of the Land.

Differs, because not disappropriated from the First of November, 1665.

Enacts, that Sir *M. E.* his Heirs and Assigns be from the First of November, 65, deemed, and taken to be the legal and undoubted Patrons. And such persons by them presented, shall be Instituted, and Inducted, and be Incumbents from the said time. And by his Will actually presents his then Chaplain to the *Narrak*, or Election of what other he better likes.

Enacts, That the present Incumbents shall pay the Rents due to his Majesty. And Sir *M.* and his Heirs and Assigns to be freed therefrom, and all demands for ever.


Enacted, That Sir *M. E.* his Heirs and Assigns to nominate and appoint a fitting person (who shall Conform to the Canons now in force in the Church of *England* in all Points. To be a School-Master, to Teach a Free-School for Children in the said Parish.

Enacts, The School-Master to be paid by the Incumbent 20 *l.* per *An.* to have a School built, and a Dwelling House to be paid $\frac{1}{2}$ yearly, or 10 *s.* a week; after 8 weeks, till all be paid. And the Bishop to Sequester the Profits to pay, or an Action at Law.

Enacts, That if any Incumbent absent three months in any year, without License under the hands of the Heirs, &c. to be deemed void; and the Heirs, &c. to nominate a new: And such so nominated, shall be Instituted and Inducted.

Enacts, That the Heirs, &c. to nominate two fitting persons yearly for Church-Wardens; who may purchase to 40 *l.* per *An.* for the use of the Parish: who, with consent of the major part of the Parishioners, at a general Meeting the next week after Easter-week yearly, to Sess, to Bind Orphans Apprentices, and for the Relief of decrepid, poor, and other pious uses.

The Will particularly deviseth to Sir *John Eustace* the Rectory of *Con* in the County of *Mayo*, and all Lands and Tythes thereunto belonging, and to his Heirs for ever.

 If this BILL so Pass, it will much prejudice the Church; for men will be discouraged to give such bountiful Donations, and not have the Terms and Limitations thereof as they Will and Design.

Mr. Neale's BILL.

That the said Improprate Rectories and Tythes of the two parts of the Rectory of *Bolinglass*, *Mayatan*, *Demmanogue* and *Narrak*, and all other the Improprate Rectories and Tythes that belong to the said Sir *M. E.* on the 20th of June 1665 in this Kingdom be settled on, and vested in the respective persons now having Cure of Souls in the Parishes wherein the said several Improprations do lye; and their Successors for ever.

Enacts, The Right of Sir *M. E.* his Heirs and Assigns, from the death of the present Incumbents, or Removal

So differs in time for the Heirs of Sir *M. E.* who are excluded from Presenting from the 1st of Novemb. 65. to his death; and excludes the Chaplain (yet alive) actually presented.

No such Clause in this Bill.

So that the Heirs shall be liable to the same, and at the King's Officer's choice to be Sued, unless discharged by Act of Parliament,

That the Heirs, &c. with consent and approbation of the Bishop, may nominate a School-Master to Teach poor Children,

But without Qualification; and by Consent, when no Consent is in nominating, but only the Bishop to approve.

Differs in not saying a Free-School, and adding poor Children.

Enacts, The School-Master to have such Stipend as the Government and Council shall appoint. And to Teach only English, and Write, and Cast Account, sufficient for Trades.

Nothing of this as if intended a *sine Cure*.

None of all this.

Enacts, All Rectories and Tythes belonging to Sir *M. E.* the 20th of November 65, to the Incumbents, where they are without any Saving to Sir *John*.

And the General Saving to all persons Rights, except the Heirs of Sir *M. Eustace*, and Sir *John* his Heir.